

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,890th Meeting



6:00 p.m. April 21, 2005
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

MINUTES APPROVED AS PRESENTED
AT THE JULY 7, 2005 MEETING

COMMISSIONERS PRESENT: Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

COMMISSIONERS ABSENT: Agnew

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Jenkins, Senior Planner
Milosevic, Associate Planner
Brenes, Associate Planner
Smith, Deputy City Attorney
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Leonard reconvened the meeting at 6:00 pm.

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I.	<u>ADJOURNMENT</u>	<u>15</u>

H. **PUBLIC HEARING - 6:00 p.m.**

15. **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Chair Leonard announced that the topic tonight will focus on the Commercial and Industrial Zones. There are a number of requests that were made in writing and they will look forward to hear other requests made tonight by the citizens. A matrix has been provided comparing the existing Code to the proposed Code to truly see for the first time what the differences are. He introduced Diane Jenkins, Senior Planner, to begin the presentation.

Ms. Jenkins stated that she will present the continuation of the Zoning Code focusing on the Office and Commercial Zones. It was agreed at the April 7 meeting, to cover a few of the items discussed at that meeting again tonight. The issues were why the City was updating its Zoning Code and the nonconforming provisions.

Commissioner Kurani arrived at this time.

Chair Leonard asked staff to explain Smart Growth and the difference between a minor and major permit process.

Ms. Jenkins explained that smart growth is taking advantage things like bus rapid transit and intensifying the uses in the area where there is bus rapid transit to create greater density where there is support for the greater densities. A Minor Conditional Use Permit would be an administrative process and is considerably cheaper and a faster process. A full Conditional Use Permit is a permit that would come before the Commission for review and would normally take 60 days to process.

Chair Leonard you mentioned a change at Adams Plaza which was the CR - Commercial Retail. What is the proposed designation for the Riverside Plaza.

Ms. Jenkins said that the Riverside Plaza is proposed on the General Plan for Regional Shopping Center but the Zoning will remain as it is today.

Commissioner Brown asked that staff explain how the nonconforming rights issue and how it will remain at 180 days.

Ms. Jenkins stated that under the proposed draft Zoning Code there was a provision that the nonconforming provision for the length of time that a nonconforming use could remain vacant be changed from 180 days to 90 days. At this time staff is recommending that it remain at 180 days, there will be no change.

She continued with the presentation.

Commissioner Densmore noted that at the beginning of the presentation, the premise for the changes is that there is too many zones. He said he was confused and asked if in the process of these changes, will the

changes take away any rights from the property. He really wanted to focus in on this so that some of the testimony is either based on fact or confusion.

Ms. Jenkins said that in terms of the uses permitted by Zone, she will be reviewing this shortly based upon the tables that were distributed. She stated that there will be places where uses will no longer be allowed in certain Zones.

Commissioner Densmore asked how staff will handle individual concerns regarding the Zoning and uses. He wanted to make sure there will be answers to this.

Ms. Jenkins stated that the Zones are being consolidated to be more user friendlier and easier to use. Whether or not certain types of uses should be permitted in the new I or BMP Zone is something that will be discussed tonight. The Commission can discuss this and whether or not a specific use should be permitted in the BMP or I Zone.

Chair Leonard stated that it is his intention as public testimony is taken, the key question the Commission needs to understand from everyone is what is their use. While they are speaking the Commission can go to the table to see if that is allowed between the proposed and existing zones.

Commissioner Densmore stated that his concern is not only what the use is today but what the use was anticipated by some of the owners in the future who wanted to be able to: sell, expand, obtain a loan, etc. He would really like to know when there are concerns regarding: 1) was it an allowable use under the old; 2) is it no longer an allowable use.

Mr. Aaron expanded on Ms. Jenkins comments, in that it is up to the Commission to make the recommendations. The hearing process with the Citizens Advisory Committee was a long process in which they made a number of recommendations. In some cases there are properties that are proposed for different land use designations, where zoning is being changed, particularly with the Industrial Zones; and where the uses will now be different if this is approved, relative to what is allowed now. A good example of this is area southeast of the freeway interchange, where then CAC recommended that areas of heavy industrial uses needed to be upgraded. There are many properties in that area currently zoned M-1 and M-2 which are proposed to be changed to the BMP Zone and there are a different set of uses that would be allowed. Not everyone is going to have the same uses allowed after this is approved, if approved as proposed. We went through several of these areas and based on the comments, staff did change it back to the heavy industrial uses. Other areas, we are not recommending the zoning be change relative to what was originally proposed and some uses may become nonconforming.

Commissioner Densmore said it starts to outline the process being discussed. He is uncomfortable with staff looking to the Commission and saying the visionary committee is recommending such and such and it is up to the Commission to make the decision. It is not up to the Commission, it is up to the Commission to listen to the public and put all this together. If the Commission detects harm, in a sense, to protect those who are perceiving themselves to be harmed. What he wants out of the hearings is that if someone steps forward and says here is my address, here is my business and current zone; what is the impact changing the zone will have on him. He wants to see a clear answer to that and then if that is detrimental in the mind of the resident, then what can you do about it. He did not expect to please everyone but he hopes that everyone at least is no longer confused. At least for these hearings, they should be doing their best to eliminate confusion.

Mr. Aaron stated he agreed with his comments and hoped that the comparison charts that were distributed will really help the Commission understand the changes proposed. They should look at each testimony on a case by case basis and decide based on the specifics of the property, area it is located in, and overall goals and objectives for the City. It is not only what might be good for the one property but what is good for the entire City and neighborhoods the property is located in.

Chair Leonard commented regarding the role of the Citizens Advisory Committee, on which three of the commissioners were on, they looked at broad General Plan and Land Use designations. Zoning was a phenomenon that came after those decisions were made. The CAC did not review Zoning.

Ms. Jenkins continued with the presentation.

Commissioner Norton asked who would someone appeal the Zoning Administrator's decision to. She asked about outdoor vehicle repairs that would be allowed in the I Zone. Anything in the I Zone would have sufficient buffer from residential or office uses with regard to noise?

Ms. Jenkins replied that appeals would normally go to Council, however, staff can also make the determination early in the process and refer the case to the Commission for review. Staff will need to go back and amend the one section she referred to earlier to make sure that the appropriate standards of performance, block walls, screening, etc. are established. Vehicle repair will also be defined. She added that this will be the purpose of the Minor Conditional Use permit, to protect the surrounding uses.

Commissioner Singletary said with regard to minor vehicle repair in the BMP Zone, assuming the business is existing, it requires a Conditional Use Permit. Will this use become a nonconforming use until a CUP is obtained or are they still allowed to run their business? If the property were vacant for more than 180 days, any new business would then have to apply for a CUP in the BMP Zone?

Ms. Jenkins responded that if it was a legally established business it would become a nonconforming use. She said that any new business would need to apply for a CUP.

Chair Leonard indicated that staff mentioned a number of lot areas required for the different types of commercial and industrial uses. If an existing business is on a parcel that does not currently meet the size in area, will there be any effect on that business? Would it have an effect on the physical expansion of the business?

Ms. Jenkins said that the lot would become a nonconforming lot. It could have an effect on the expansion of the business because the lot is now nonconforming and the business may not be able to meet its setbacks and would need to file for a Minor Condition Use Permit or Conditional Use Permit to expand the use.

Chair Leonard stated that conceivably the use could be expanded if it can meet the parking and landscape setbacks. He also had concerns with the restriction of field crops in the Industrial Zones. Although he understands it, he wondered about properties near the Airport which are used for field crops. Maybe a property owner wants to generate return on his land with something that is a low intense use until the time he is ready to develop it. Will there be a means to do this?

Ms. Jenkins stated that if it was an existing field crop today, it would continue to remain so as a nonconforming use.

Commissioner Comer referred to the M-2 Zone and the use table. He noted that a florist shop is not currently allowed in the M-2 Zone. He also noted that vehicle sales lots are also not allowed and asked if th is was correct.

Ms. Jenkins noted that this was a mistake in the chart in both cases. Florist charts and vehicle sales are permitted.

Mr. Aaron reiterated that basically anything permitted anywhere is permitted in the M-2 Zone now. The intent is to narrow down the uses in the new I Zone so that a lot of the uses that aren't really industrial related would no longer be permitted.

Commissioner Comer based on that, he noted that there were mistakes on the charts.

Commissioner Densmore asked if there would be any waiver of fees for uses that do not currently require a Minor Conditional Use Permit or Conditional Use Permit that would require one under the new Zoning Code.

Mr. Aaron noted that the City reevaluates fees and adopts a new Fee Resolution each year, fees can change anytime.

Chair Leonard asked if there was a representative present from the Riverside Greater Chambers of Commerce. There had been a request by the Commission for someone to be here and discuss their process of reviewing the Zoning Code. There was no one present, he opened the hearing for public testimony. He asked that the citizens provide their name, the type of business and business address. While they provide their testimony, the Commission will try to go through the charts to see how it will be affected. The Commission may have questions for the audience.

Davis Lusk, 5931 Sinclair, asked when the materials were made available to the public.

Ms. Jenkins stated that the charts were mailed out on Tuesday to everyone who indicated an interest in either Commercial and Industrial Zones. The staff reports did not get mailed out until yesterday.

Mr. Lusk said this affected the entire City, not just those individuals. The City Council is trying to dictate the growth of this City and the people do not like it. He stated that there was no publication of this meeting taking place, it was not posted on the City's website and is therefore an illegal meeting.

Charles Schultz, 433 Orange, representing John Gless with regard to 10 acres of property at Wood Road and Van Buren, 19845 Van Buren Boulevard. Currently there are 10 acres of orange citrus and under the current General Plan it is designated as Commercial. The carryover of the commercial designation is because when the Alta Cresta Specific Plan was adopted, that property was designated as Commercial. It has 330' of frontage on Wood Road which would not be viable as Commercial property. He was here tonight to request the Commission designate the site as High Density Residential which would permit up to 29 units to the acre of apartments. They have done marketing surveys over the years and the best and most appropriate use for the area are apartments. Due to the increase in population expected over the next 10 years, there will be a dire need for additional multi-family housing in this area. The General Plan policy, Goal 2.0 is to provide additional diversity and housing types at affordability levels. They are proposing 200-220 apartments which will be 1, 2 and 3 bedrooms. He stated he would provide a letter with written comments for the Commission to consider before they adopt the revised General Plan. He reiterated that his request is that the change be Commercial to HDR - High Density Residential.

Phillip Tonkin, Tonkin Plumbing at 3032 Vine Street, addressed the Commission. He asked if he was on record as opposing the removal of M-2 Zoning through his letters, etc.

Chair Leonard stated that whether or not it was written, he was on the record now by stating that tonight.

Mr. Tonkin stated that he currently has M-2 Zoning which will be changed to BMP. He was hoping for an I, if possible as the restrictions that would apply to his company would place him in a nonconforming status. He reiterated that he was opposed to losing the M-2 status and did not believe the BMP Zone would meet his needs. He asked for consideration to a Zone that would better suit what he does in his building.

Ms. Jenkins stated that Mr. Tonkin's letters were included at earlier meetings. Mr. Tonkin's business would be considered the same as a contractor's storage yard which is currently permitted in M-1 and M-2 Zones but not in the BMP.

Brad Pope, 3315 Van Buren, representing the Brookhurst Mills which is a commercial feed manufacturer. He gave testimony a couple of meetings ago and submitted letters in opposition to the change. Because of the nature of their business, railroad siting, heavy unloading, 12,000 gallon above ground fuel storage, they were opposed to the BMP Zone.

Ms. Jenkins replied that the business would fall under the manufacturing category. It sounds like most of their manufacturing is done outdoors, that would not be permitted.

Mr. Aaron stated that staff has to put a caveat in everything they say. This is sort of public information counter, very quick information. When staff normally talks to people, they ask a lot of questions. It is difficult, when someone says they have a certain business, for staff to provide a quick answer because normally they would go through a series of questions. He stated that if it was an indoor manufacturing facility then it is permitted, if it is outdoors, it is not permitted.

Commissioner Densmore asked how many staff members were present.

Ms. Jenkins stated that there were two Associate Planners in the back of the Chambers.

Commissioner Densmore suggested that if something starts to bog down, that someone step aside with the person. If it can be resolved to that person's satisfaction, fine. If there is a problem, he would like that the Commission be provided with information at a future meeting for those that could not be resolved as to: type of business, location and their request.

Commissioner Norton stated that this feed manufacturer appears to be an unusual category and rather than make a quick decision, it would be beneficial that this be set aside so that staff can research it. She did not believe BMP went with anything this business does.

Mr. Aaron suggested that staff meet with Mr. Pope one on one later. Some of these issues will not be easily resolved. He noted that outdoor manufacturing is not a permitted use anywhere and it may be a nonconforming use now.

Commissioner Densmore stated he would like to see this resolved tonight. The Commission has requested that there be planning staff present to take sidebars. If it is merely confusion or pointing to the right part in

the Code, he would like to see someone do so. He asked if there was staff in the back now that could step up and help this gentleman now. He did not want him given a business card.

Chair Leonard pointed out that sometimes staff does need to do research before they commit to things. He believed that they were conveying to this gentleman that they are interested in trying to resolve his problem by having him work with staff.

Ken Sibley, owner of Maco Auto Painting on Payton Avenue, said he was confused in that he is between the Winterhaven and the Jasmine/Jurupa areas mentioned. His property is 2 acres and immediately abuts the new powerplant and water treatment facility. He requested the I rather than BMP Zone. Since there is absolutely no residential within miles and he is beside a monster huge public project, he requested the I Zone.

Chair Leonard noted that this was also a question he also had. He asked staff if there are areas of BMP between the I Zone areas.

Ms. Jenkins replied that between areas G and F, there are BMP areas, partly because of the Airport.

Commissioner Stephens commented that there may be a lot of people present requesting the I designation as opposed to the BMP. It may be a misconception with regard to the I Zone. He understands that the I designation will be more restrictive than the BMP. The I will try to limit the industrial uses or is the I that allows all the uses?

Ms. Jenkins stated that the I would be less restrictive than the BMP but more restrictive than the current M-2 Zone.

Commissioner Comer asked the people that come forward, in as much as trying to fit what they do within the new Code, that he would like to hear if they prefer to leave the existing Code as it is or not.

Maurice Khraich, 5943 Republic Street, had a wholesale auto sales. He would also like to do retail at this location. They do repairs and would also like to do body work. He applauded Commissioner Densmore and Comer for siding with them. There is a lot of confusion in this. His concern is that if it is not broken, don't fix it. He asked what the benefit to the City in changing the Zones? What is the purpose of this?

Chair Leonard stated that staff has answered these questions at prior meetings but what the City is trying to do is weed out uses that are obsolete and don't exist anymore and include uses that have never been addressed in the Zoning Ordinance. They are trying to bring the Code up to date and reestablish categories that are the best fit. There are problems in going through this process and that is what they are trying to get to tonight.

Commissioner Densmore explained the process of the General Plan to date.

Mr. Khraich asked what Planning's vision for the Jasmine/Jurupa area, what could change? He also asked how long this has been in the works, he purchased his property in July, 2004.

Chair Leonard commented that the goal is to keep them just the way they are with the least amount of disruption. He stated that the process started in 2002.

Yolanda Garland, resident of La Sierra, expressed her appreciation to the Commission for their dedication. She felt that the decisions of the Council have been set in concrete. She complimented Commissioner Norton

for her editorial, "Fun in the Sun Brightens Mood". She did not think that the City of Riverside was business friendly. She encouraged the audience to log on to talkriverside.com.

Jeff McGinn, President/Managing partner of Standard Line Products, thanked staff for recommending a change in the Zone from BMP to I. His comment tonight is that he would still prefer the M-1 Zone. He finds doing the 10-year plan and changing the Zoning Code at the same time has caused a lot of confusion. He had one concern in that staff is recommending appropriate landscaping and screening requirements. He was nervous about this because they have 3 acres of undeveloped land. If a block wall requirement were approved, this would be very expensive and may limit their options for developing the site. They also have a caretaker on the property due to burglaries. He noted that his street, Fremont, is essentially an alley, narrow with no sidewalk or curb. He would like to see the City, before they require him to spend money to landscape and screen to install sidewalk and put in curbs and gutters first. He was a little perplexed at the City Council because at the March meeting, they designated their area as 1 of 4 for 18 wheel or large truck parking. His feeling is that if they should not park large trucks in the street than they shouldn't park anywhere, it is not ok to just do it in their area. He felt this was contradictory to the Commission's efforts to upgrade the City.

Ms. Jenkins explained that the M-1 Zone currently requires screening. Staff was just emphasizing that the I Zone would continue to do this and that screening requirements for outdoor uses would be required. Staff will need to amend Chapter 19.390 to get into detail. The details are not in the Code because these things were not going to be permitted.

Mr. Aaron also added that it is not a requirement to screen vacant property. It is only when the property is developed and there is a use on the property, if it is an outdoor use then screening would be required. He stated that screening usually consists of walls or combination of fences and landscaping. He also pointed out that over 90% of the development standards are not changing.

Chair Leonard inquired if there will be a lot of instances where the Zone has been applied to a property and the development standards are going to be in transition following that. Is this unique?

Ms. Jenkins replied that this is unique in that this was a last minute change to the staff report. Because of that change staff needs to go back and change the section on screening for outdoor storage display.

Commissioner Kurani asked about the enforcement of the screening requirements. He asked if staff would be proactive or reactive.

Ms. Jenkins stated that Code Enforcement would work on a complaint basis.

Mr. Aaron said that there are two issues, existing and new businesses. The new businesses would have to go through the process and the requirements would be applied at that time.

Doug Pollard, 781, 745-781 W. La Cadena Drive, has boat repair business which sells parts and has retail sales. They are being rezoned from M-1 to BMP. He said they would like to put up a new building for their business but are concerned about spending the money to do this as the business will be nonconforming. Their business is conducted both indoors and out. If the Zoning is changed, then there is no point in building a new building to keep the business there. He asked if someone assist them in moving and build a different type of business.

Chair Leonard reiterated that the portion conducted outdoors would be a nonconforming use. It would not be required to terminate and move elsewhere.

Mr. Aaron added that the use will be nonconforming if it were legally established. He noted that there are many outdoor uses that are not legal businesses now.

Mr. Pollard inquired whether his business would be legal.

Mr. Aaron said they would need more information to provide an answer.

Robert Barr, 1990 E. La Cadena, said he had an automotive repair and business office business. His concern is that he purchased the property as M-1. If the change must occur, he would prefer an I, if possible. He said most of the work is conducted inside the shop and meets the standard Codes for auto repair.

Chair Leonard noted that under the provisions of the Code it is still an allowed use.

Kimberly Sparkman, Sparkman's Garage, 5958 Jasmine, thanked the Commission for listening. They also appreciate the recommendation to rezone the properties to I instead of BMP. She would prefer to stay in the M-1. She has a heavy duty auto repair facility which requires her to work outdoors and it would be impossible to move indoors. She sees that they are proposing to allow major outdoor truck and trailer, heavy duty, major repair with a Minor Conditional Use Permit (MCUP). She recommended that staff come up with some solution that would give them permission to be in this area as a matter of right rather than requiring a MCUP. She did not want to become a nonconforming status. An option would be to apply for a MCUP but it is money out of her pocket. She understands that if she chooses not to apply for the MCUP she will become nonconforming. Her second issue is outdoor storage, vehicle storage, chapter 19.390 states outdoor storage or display of merchandise shall not be permitted. She stated she has a lot of outdoor storage and this should be readjusted. Her next issue is razor wire or barbed wire being prohibited in these businesses. She knows it is unsightly but it has saved thousands of dollars in expenses.

Commissioner Kurani requested clarification regarding Ms. Sparkman's outdoor use in that it would become a legal nonconforming use. She would not be required to apply for the MCUP.

Ms. Jenkins responded affirmatively.

Ms. Sparkman stated she understood this, her objection is to the nonconforming status. This status doesn't allow her to obtain bank loans or to sell her property. It disallows her to expand, build or shut down for 180 days. She stated that she does not want to be a nonconforming status.

Chair Leonard said that what the Commission is dealing with is the standards of the Industrial Zone. The Commission needs to study this further as to the effects. He thanked Ms. Sparkman for bringing this to their attention.

Donald White said he was in the Jurupa/Jasmine area at 6417 Jurupa Avenue, Don's Auto Repair. He was interested in the development standards chart table, 19.130.030. This needs to reflect those properties that are narrow and do not have the minimum width of 60'. Chapter 19.390 vehicle repair facilities, calls for a minimum site area to be half acre. He noted that most of the lots are not even half acre. Same chapter, item g; all repair work done within an enclosed building. He also does heavy repair and cannot put a lift in his building because it is small. What he proposed is that the automotive uses should be included as a matter of

right as far as working on vehicles outside. They would be out of business if they could not repair vehicles outside. He stated that he wants to remain M-1, there are a lot of problems associated with changing to I.

Chair Leonard commented that it sounded as though staff's recommendation to change BMP to I isn't cutting it for the businesses.

Commissioner Densmore stated that if the audience sees the Commissioners leave for a few moments to please note that there is a sound system and they will be heard in the back.

Rosalina Grisco said she owns a dog and cat boarding kennel at 5930 Jasmine Street. She also requested that her kennel be allowed in the I Zone as a matter of right. She has been established there for 15 years and did not understand why she would need to apply for a Conditional Use Permit.

Erica Tan, 12319 Doherty Street, owns a body shop. She stated that she understands the need to streamline the Zoning Code. She would like to know if the Planning Department ever considered converting the M-1 to the I Zone, just straight conversion renaming the Zone. This would leave the rules and regulations as it is now. This would help the business a lot. She provided pictures, at the last meeting, of her business. They are located by Magnolia and Buchanan, south of the 91 Freeway. She wanted to propose keeping the current M-1 Zone in order to operate their business. Based on the matrix she would fall into major indoor vehicle facilities which would require a MCUP. She is a new business owner and this would mean an extra expense.

Chair Leonard asked staff if there was a means to allow existing businesses to proceed as conforming uses without the use permit being required.

Ms. Jenkins explained that this is something the Commission could consider. When the R-2 Zone was deleted the duplexes will be allowed as a matter of right if they were existing legal conforming uses. The problem in the Industrial Zones is that there are many uses and to try to determine which ones of those are currently legal so that they could be established legal uses under the new Code would be a major project.

Chair Leonard asked what the need to know that would be until they came up with a request to expand or change use? Why does it need to be part of the zoning process?

Ms. Jenkins replied that staff would want to establish some sort of a base line so that there are no grey areas in the future.

Mr. Aaron agreed with Ms. Jenkins, a baseline must be established. He said that from staff's perspective, the idea is that over the long term, they do want to bring these uses into conformance. If the uses are legalized, then they will stay the way they are now for a very long time. Staff's intent is to protect the uses there now but as they do change that they be brought into conformance with the Zoning Code.

Ms. Tan reiterated that she would like to maintain the M-1 Zone.

Ken Hook, 12327, 12331 Doherty, stated that they do mass transit, bus repair. They are currently in the M-1 Zone and that is where they would like to stay. They purchased the lot next to them so that he could expand. As things will change, they will be noncompliant. They are located by Buchanan and the 91 Freeway. The proposed designation would be BMP. He noted, however that all of their work must be done outside. He stated this was a unique area.

Commissioner Densmore asked why the primary reason outside repair restrictions, is it aesthetics, noise pollution, chemicals?

Ms. Jenkins replied that it was what he stated, standards of performance issues as well as aesthetics. Many of the industrial areas are surrounded by industrial but there are also industrial areas that back up to residential, commercial and office. The standards of performance really come into play in these instances and can become very distracting to a residential, office or even a commercial use.

Mr. Aaron agreed and these uses need to be treated differently in the different areas which is why staff is recommending the MCUP. This allows staff to review them on an individual basis and apply different conditions based on their site.

Commissioner Densmore supposed that as part of their recommendation could, if someone was required to apply for a MCUP for something that is currently allowed, the fee could be waived? It did not seem fair that it should cost the businesses to find out if they can continue to do what they are doing.

Ms. Jenkins stated that the Department does not have the authority to waive fees.

Mr. Aaron said that it could be made part of the Commission's recommendation for these cases in general from now on to have fees waived. He thought the commissioner was referring to an individual basis after the regulations had been adopted. Once the regulations are adopted, staff could not waive the fees on an individual basis.

Chair Leonard thanked Mr. Hook and stated that the Commission would add this area to his list requesting additional information from staff.

Bill Silke, 12315 Doherty Street, said that when he moved into his site he had a 20 year plan. Part of this plan included the resale or rental of the property. If this plan goes through, it would create a glut of office space in the market at some time in the future. The M-1 is the only Zone he would be compliant in. If the rezoning goes through, he would owe more paper than the property is worth. He would prefer to remain M-1. He understands the future property development but going backwards and taking businesses away from people that are established, is not right. He has a plumbing contracting company that generally deals with the oil companies. He said that a lot of his business as well is outside storage.

Ben Post, 12323 Doherty Street, said that their situation is unique. They are at the southwest corner of Riverside and are off the Main Street. Their street, as far as Riverside goes is a block long, the other half belongs to Corona. He stated he was in favor of remaining M-1 but if they have to change I is definitely better than BOP.

Lynn Miller, 2665 and 2675 Third Street, said he is currently M-2. He stated he is against the change. He rents a portion of his site and occupies part of it with an automotive wholesale parts warehouse, and stores both inside and outside. He rents to contractors, cabinet shops, artists and someone who does bronze casting. Because it is in the special interest zone he will be placed in office. Also the physical aspect of the property, it is triangular shape and has active railroad tracks on two sides of him which would make it difficult to meet the setbacks for office. He requested the Industrial designation.

Chair Leonard asked what he meant by special interest area.

Ms. Jenkins clarified that this was one of the CAC sites proposed to be designated under the General Plan to go to Office. A lot of the properties are M-2 Zone so instead of rezoning them to the office zone, staff is proposing the BMP Zone. They would be inconsistent with the new General Plan but it is a way to get there over time.

Nolbert Rangel, 5942 Republic Street, has an automotive repair shop and has been there 10 years. He stated he was opposed to the Zone change from M-1 to BMP.

Mr. Aaron stated for the record that Mr. Rangel's property is part of the area staff is proposing for the I Zone.

Dale Miller owns a business at 6100 Industrial Avenue, a welding shop, sheet metal shop. They have a 6000 sqft building and do a lot of their work outside on the larger items. He stated that they need to be able to work outside without any restrictions. They currently have chain link around their property and to put a block wall is not feasible. He cannot understand why the change is needed. He asked how long this process was going to take to get to the City Council. His neighbors property will be going on the market fairly soon and he has thought about purchasing and expanding his business.

Chair Leonard noted that there is a provision for the Industrial Zone that is his concern. He said that screening has not yet been identified or defined. With regard to the second question, he expected that this will take a few more months to proceed to the City Council.

Mr. Aaron announced that the schedule for City Council has not been set, it is undetermined at this time. Perhaps the Commission will go through June, possibly longer. Staff intends to go to the City Council sometime next month and begin discussions as to when they want to have the hearings. He recommended that the audience keep up with the website, as new information is obtained, it is posted quickly.

Mr. Miller said that it freezes the property at this time, no one wants to buy anything at this point.

Rob Ball, representing Heritage Foods, 11503 Pierce Street, addressed the Commission. Currently staff is proposing that their property be rezoned to BMP. Their concern is that it is more restrictive than the M-1 Zone. If it does have to change, they would prefer the I Zone because they have a very substantial investment and want to be able to continue to do their business and expand.

Ms. Jenkins said Mr. Ball was correct, the existing plan is Public Facilities Institutional and the existing Zoning is M-1. The proposed General Plan and Zoning was Public Facilities but staff was proposing tonight to designate it BMP.

Mr. Ball stated that they would prefer to have I in order to maintain as much flexibility as they can.

Bill Haring, 6444 Columbus St., said that they have been in the Jurupa/Jasmine area for 33 years. He stated that there is no possible way he could conduct his business inside a building. His main concern is for his landlords, with regard to the nonconforming term. He stated that it should be left M-1.

Mike Fredrick owner of Driscoll Automotive at 6110 Jurupa Avenue. He found out today that his property was still going to be zoned BMP. He asked if this would affect him in reselling his property to someone who wants to do automotive repair? His vehicle repair is performed indoors.

Ms. Jenkins replied that if he is a legal business today, he would become nonconforming. In the future if he were to let the property become vacant for more than 180 days, he could reopen with a CUP in that Zone.

Mr. Fredrick stated he was in favor of retaining the M-1 Zone.

Mr. Aaron also added that he could sell his property. The nonconforming rights run with the property, not the owner. The business can operate in the same manner it currently is operating if it were legally established.

Terry Frizzel, 11290 Arlington Avenue, thanked the Commission for their time. She has sat through General Plan changes and has never seen so much dissatisfaction or change. These people are actually the backbone of the community, businesses that are important to everyone's daily lives. She asked that the City take these businesses into consideration.

Hubie Byrne, Reliable Properties, said he was present on behalf of Sugarbush Properties 1, owners of the Town Square Shopping Center at University and Chicago. He asked if the multi-tenant indoor mall would be allowed under the proposed Zone, this use was allowed under the existing Code. Could the owner sell this particular business?

Ms. Jenkins stated that these would be prohibited under the proposed Zone but the legally established multi-tenant indoor mall would become nonconforming. If the business were sold and the use continued the nonconforming status would continue.

Mr. Byrne said that based on the land use designation, the site is proposed for the Mixed Use Village. They would highly recommend the Commission's consideration for Mixed Use Urban. This is somewhat of the line on one side there is Mixed Use Urban and the other Mixed Use Village. He asked that both sides be allowed to contribute to the growth of the University California Riverside and the entire area.

Kimberly Sparkman wanted to discuss the CUP pamphlet she obtained from planning. The businesses uses in her area proposed for CUPs. The pamphlet says that certain types of are not automatically permitted as a matter of right in certain Zones. A CUP is required before these uses are allowed. All the uses discussed tonight, these are compatible with the areas they are in. It does not make sense to add the CUP requirement and did not belong in their area.

Martin Blumenthal stated he owned 5885 and 5901 Jurupa, which consists of approximately 40 tenants. His property is currently zoned M-2 and has been so for 40 years. He likes the planners but staff does not understand. A nonconforming use, in view of financing, redevelopment and development of any area, looking at a very long time. You look at it so that you can develop in that time and have businesses. Something that is hilarious is that Marlin Bournes could not have started his business here. He said Riverside needs industrial property. He urged the Commission to take a look at the need and necessity, where are these small businesses going to go.

Steve Hilmer said he had a retail business at 3714 Sunnyside Drive currently zoned Commercial and proposed MUV. He pointed out that there is no use permitted in the MUV without a CUP. At the beginning of the meeting it was stated that staff is not proposing to take away any rights from anyone, yet all the comments this evening tend to indicate otherwise. He has spoken about economic apartheid in the past. Tonight he heard a new concept he views as aesthetic apartheid. The view has been taken that if it is smelly, noisy and isn't pretty, let's eliminate it. Think of all the businesses the Commission has heard tonight, if those businesses go away where will they go to obtain these services?

Chair Leonard announced that the discussion on the Zoning Code would continue to April 28. The audience has made very good points tonight regarding issues dealing with uses and standards. He asked staff to provide additional follow-up: 1) a map of the area around Mr. Pope's property to get an idea of how the BMP is established; 2) the area along Jurupa between the industrial zones which is proposed to remain BMP, he wanted to know more about the justification for retaining this; 3) the Buchanan and 91 Freeway area which has been requested for I by many tonight; 4) Doherty Street, wanting to know more about the BMP versus Industrial in that area, including Republic.

Commissioner Densmore stated that it is difficult when civilians attempt to be planners. The Commission hears about getting rid of the most egregious uses in the Zones as the rationale. He asked that if it could be done easily, a list of those egregious uses in priority order. He would like to simplify the changes and would like to work in this direction without throwing out everything staff has done.

Commissioner Norton asked about Heritage Foods and requested additional information regarding the surrounding area.

I. ADJOURNMENT

Adjournment to the April 28, 2005 at 6:00 p.m. in the Art Pick Council Chambers.